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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,480	01/09/2004	Tetsuro Chino	04329.3217	6879
22852	7590	03/26/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER WOZNIAK, JAMES S	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 03/26/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/753,480

Applicant(s)

CHINO ET AL.

Examiner

James S. Wozniak

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In response to the office action from 9/28/2007, the applicant has submitted an amendment, filed 12/27/2007, amending independent claims 1, 5, 27, and 30 while arguing to traverse the art rejection based on the limitation regarding setting a translation accuracy based on a level of emergency or detected keywords expressed in source-language information (*Amendment, Pages 17-21*). Applicant's arguments have been fully considered, however the previous rejection is maintained, altered only with respect to the claim amendments and due to the reasons listed below in the response to arguments.
2. In response to the amended title, the examiner has withdrawn the previous corresponding rejection.
3. In response to the amendment of claim 9, the examiner has withdrawn the previous objection directed toward minor informalities.
4. The applicant argues that amended claim 30 overcomes the previous 35 U.S.C. 101 rejection. In response, the examiner notes that although claim 30 now includes a computer readable storage medium, the instructions are not --computer executable-- or --executable by a computer-- and a computer does not execute the instructions to implement the claimed method

(i.e., --storing computer-executable instructions that when executed by a computer implements a method comprising--). As a result, no practical application functionality is realized, and the claim and its dependents remain rejected under 35 U.S.C. 101 (*see below rejection*).

Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive for the following reasons:

With respect to **Claim 1**, the applicant argues that the prior art of record fails to teach setting a translation accuracy based on a level of emergency which increases based on source language information (*Amendment, Pages 17-20*). In support of this position, the applicant argues that Scanlan (U.S. Patent: 6,985,850) only teaches an urgency level used for translation quotation and not "a level of emergency as the level of importance" (*Amendment, Page 18*). The applicant further argues that Kimura et al (U.S. Patent: 5,247,580) fails to cure the deficiencies of Scanlan because Kimura does not set a translation accuracy based on whether a command is important (*Amendment, Page 18*). Lastly, the applicant argues that Lemelson et al (U.S. Patent: 6,028,514) detects words that might be used in an emergency, but does not set a "translation accuracy based on whether an emergency word is spoken" (*Amendment, Page 19*).

In response, the examiner notes that the above noted limitation is taught by a combination of the teaching of Scanlan, Kimura, and Lemelson. First, Scanlan teaches the ability to *automatically set an accuracy or quality of a translation ("automatic", Col. 7, Line 30- Col. 8, Line 11)*. Factors that contribute to this decision include identified specific keywords that

suggest importance or urgency (*Col. 6, Lines 13-20; and Col. 8, Lines 4-11*). Thus, Scanlan teaches the ability to identify keywords indicative of importance or urgency to automatically set a translation accuracy. With respect to the claimed invention, Scanlan does not specifically suggest judging varying levels of increasing importance and does not teach that the keywords correspond to emergency words.

Kimura, however, teaches this first deficiency of Scanlan. Kimura discloses the ability to determine varying degrees of importance associated with a language input (*Abstract, Col. 1, Lines 39-51; and Col. 9, Lines 10-40*). Thus, Scanlan in view of Kimura teaches the ability to determine varying degrees of keyword importance for automatically setting a translation quality, but does not specifically suggest that the words detected deal with emergencies. It is also worth pointing out that Scanlan is relied upon for automatically setting a translation quality (*see above*), and not Kimura as argued by the applicant.

The second deficiency of Scanlan is taught by Lemelson, which teaches the concept of detecting words in a language input associated with emergency situations (*Col. 6, Lines 58-64; and Col. 14, Lines 27-44*). Thus, the combination of Scanlan, Kimura, and Lemelson discloses detecting keywords in a language input to automatically determine a translation accuracy according to increasing levels of importance, wherein the keywords are related to emergency terms. In response to the applicants argument that no reason for combining the prior art of record was articulated (*Amendment, Page 19*), the examiner points to the provided motivation, which is found in the prior art (*Prior OA, Pages 4-5*). Thus, the combination of the prior art of record teaches the invention recited in claim 1 and the applicants arguments, although fully considered, are not convincing.

Also in response to the above arguments, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to independent claim 5, the applicant argues that the prior art of record fails to teach setting a translation process accuracy based on a comparison of source language information with important keywords (*Amendment, Pages 20-21*). In support of this position, the applicant argues that Scanlan deals with calculating a quotation based on a level of urgency and not a comparison of source language with keywords (*Amendment, Page 20*). The applicant also argues that Kimura does not set a translation accuracy (*Amendment, Pages 20-21*).

In response, the examiner notes that, as pointed out above, Scanlan does teach the ability to detect important keywords in a source language message (*Col. 6, Lines 13-23*). These keywords are factors that suggest importance or urgency and contribute to automatically determining a translation quality for important messages (*Col. 6, Lines 13-23; and Col. 7, Lines 50-57*). In addition, Scanlan discloses detecting these keywords within a message and storing the keywords as parameters for comparison (*Col. 6, Lines 13-23*), which would indicate the necessity of some type of storage. Kimura specifically discloses the use of such a keyword language memory (*Col. 9, Lines 56-63*). In regards to the applicant's arguments that Kimura does not set a translation accuracy (*Amendment, Pages 20-21*), see the above corresponding response. In response to the applicants argument that no reason for combining the prior art of record was articulated (*Amendment, Page 21*), the examiner points to the provided motivation,

which is found in the prior art (*Prior OA, Page 6*). Thus, the applicants arguments have been considered, but are not convincing.

The art rejection of independent claims 27 and 30 is traversed for reasons similar to claim 5 (*Amendment, Page 21*). In regards to such arguments, see the above response directed to claim 5.

The art rejection of the dependent claims is traversed for reasons similar to the independent claims (*Amendment, Pages 21-31*). In regards to such arguments, see the above response directed to the independent claims.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claims 30-32** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 30 is drawn to a “program” *per se* as recited in the preamble (i.e., “instructions”) and as such is directed to non-statutory subject matter. Although these instructions are stored on a computer readable medium, they are not –computer executable-- or –executable by a computer-- and a computer does not execute the instructions to implement the claimed method (i.e., --*storing computer-executable instructions that when executed by a computer implements a*

method comprising--). As a result, no practical application functionality is realized, and the claim is directed to non-statutory subject matter. See MPEP § 2106.IV.B.1.a.

Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

Dependent **claims 31-32** fail to overcome the 35 U.S.C. 101 rejection of claim 30, and thus, these claims are also directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 5, 8-9, 22-23, and 27-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Scanlan (*U.S. Patent: 6,985,850*) in view of Kimura et al (*U.S. Patent: 5,247,580*).

With respect to **Claim 5**, Scanlan discloses:

An acquisition unit configured to acquire source-language information represented in a first language (*translation device that acquires a source language communication, Col. 4, Lines 43-61; and Col. 5, Lines 37-45*);

A means for indicating important source-language information (*factors, Col. 6, Lines 13-20; Col. 7, Lines 30-63; and important messages, Col. 8, Lines 4-11*);

A translation unit configured to translate the source-language information into the corresponding language information with the accuracy (*translations performed according to specific quality (i.e., accuracy) standards at a translator, Col. 4, Lines 43-61; and Col. 7, Lines 44-63*);

An exhibit unit configured to exhibit the corresponding language information (*computer workstations comprising displays, Fig. 1, Elements 3 and 6*);

A setting unit configured to set, based on the level of importance, a process accuracy with which at least one of an acquisition process to be carried out by the acquisition unit, a translation process to be carried out by the translation unit, and an exhibit process to be carried out by the exhibit unit is performed (*automatic decision means for determining an appropriate translation quality, Col. 7, Line 30- Col. 8, Line 11*); and

An execution unit configured to execute at least one of the acquisition process, the translation process and the exhibit process with the process accuracy (*means for performing a translation with the quality that was decided upon, Col. 7, Lines 44-63*).

Although Scanlan discloses performing a translation based on varying quality standards, Scanlan does not teach a means for judging a level of importance from input language information. Kimura, however, recites determining a degree-of-importance of a language input in utilizing higher accuracy requirements (*Abstract; and Col. 9, Lines 10-40*). Kimura further discloses: A first storage that stores important keywords of the first language (*command word memory, Col. 9, Lines 56-63*); and a comparison unit configured to compare the source-language information with the important keywords (*recognition comparisons performed using stored command words, Col. 9, Lines 56-63*).

Scanlan and Kimura are analogous art because they are from a similar field of endeavor in language processing. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Scanlan with the degree of importance determining means taught by Kimura in order to increase reliability for more important inputs (*Kimura, Col. 1, Lines 49-51*).

With respect to **Claim 8**, Scanlan further discloses:

The setting unit sets, for the translation process, a high accuracy mode in which a high accuracy translation is performed (*high priority translations; Col. 6, Lines 13-20; and the ability to auto-select a higher/lower translation quality, Col. 7, Lines 30-63*), if the level of importance is higher than a threshold value (importance measure utilized by Kimura and applied to Claim 5), and a high speed mode in which a high speed translation is performed (*selecting quick/ low quality translations, Col. 7, Lines 44-67*) if the level of importance is not higher than the threshold value (*importance measure utilized by Kimura and applied to Claim 5*).

With respect to **Claim 9**, Scanlan further discloses:

The setting unit changes, in accordance with a set one of the high accuracy mode and the high speed mode, at least one of a number of candidates of expressions of the second language used to determine which one of the expressions corresponds to an expression contained in the source-language information, a range in a dictionary used for translating the source-language information into the corresponding language information, an available memory capacity, a process time required for the translation process, a process speed at which the translation process is performed (*changing translation quality having associated speeds/times, Col. 7, Lines 44-63*).

With respect to **Claim 22**, Scanlan further discloses:

A communication unit configured to enable the apparatus to communicate with a translation device which translates the source-language information into the corresponding language information (*sending a communication to a translation server, Col. 4, Lines 34-50*), and wherein if the level of importance is determined to be higher than a threshold value, the communication unit is connected to the translation device to transmit the source-language information to the translation device and receive a translation result from the translation device

(transmitting important translated messages from a translation server to a user workstation, Col. 7, Line 44- Col. 8, Line 11).

With respect to **Claim 23**, Scanlan further discloses:

The acquisition unit acquires the source-language information in a form of voice information, and includes a conversion unit configured to convert the voice information into text information *(text-based translation, Col. 6, Lines 37-40, derived from a sound-based communication, Col. 5, Lines 37-45, wherein there would inherently be some type of speech-to-text conversion (i.e., speech recognition) in order to generate a text-based translation output from a spoken communication input).*

With respect to **Claim 27**, Scanlan discloses:

Acquiring source-language information represented in a first language *(translation device that acquires a source language communication, Col. 4, Lines 43-61; and Col. 5, Lines 37-45);*

Determining important source-language information *(factors, Col. 6, Lines 13-20; Col. 7, Lines 30-63; and important messages, Col. 8, Lines 4-11);*

Translating the source-language information into corresponding language information represented in a second language *(performing translations, Col. 4, Lines 43-61; and Col. 7, Lines 44-63);*

Exhibiting the corresponding language information *(acquiring and reading translations, Col. 6, Lines 37-40; Col. 7, Lines 44-63; and Fig. 1, Elements 3 and 6);*

Setting, based on an importance setting, a process accuracy with which at least one of an acquisition process for acquiring the source-language information, a translation process for translating the source-language information into the corresponding language information, and an

exhibit process for exhibiting the corresponding language information is performed (*automatic decision means for determining an appropriate translation quality, Col. 7, Line 30- Col. 8, Line 11*); and

Executing at least one of the acquisition process, the translation process and the exhibit process with the process accuracy (*performing a translation with the quality that was decided upon, Col. 7, Lines 44-63*).

Scanlan also teaches performing keyword storage and comparison (*Col. 6, Lines 13-23*).

Although Scanlan discloses performing a translation based on varying quality standards, Scanlan does not teach a means for judging a level of importance from input language information. Kimura, however, recites determining a degree-of-importance of a language input in utilizing higher accuracy requirements (*Abstract; and Col. 9, Lines 10-40*).

Scanlan and Kimura are analogous art because they are from a similar field of endeavor in language processing. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Scanlan with the degree of importance determining means taught by Kimura in order to increase reliability for more important inputs (*Kimura, Col. 1, Lines 49-51*).

Claim 28 contains subject matter similar to Claim 8, and thus, is rejected for the same reasons.

Claim 29 contains subject matter similar to Claim 22, and thus, is rejected for the same reasons.

With respect to **Claim 30**, Scanlan in view of Kimura discloses the translation process applied to Claim 27. Scanlan further discloses method implementation as program stored on a

server computer that would inherently require some type of computer-readable memory medium for program storage (*Col. 3, Lines 37-39; and Col. 4, Lines 56-61*).

Claim 31 contains subject matter similar to Claim 8, and thus, is rejected for the same reasons.

Claim 32 contains subject matter similar to Claim 22, and thus, is rejected for the same reasons.

10. **Claims 1, 19-21, and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Scanlan (*U.S. Patent: 6,985,850*) in view of Kimura et al (*U.S. Patent: 5,247,580*) and further in view of Lemelson et al (*U.S. Patent: 6,028,514*).

With respect to **Claim 1**, Scanlan discloses:

An acquisition unit configured to acquire source-language information represented in a first language (*translation device that acquires a source language communication, Col. 4, Lines 43-61; and Col. 5, Lines 37-45*);

A means for indicating important source-language information (*factors, Col. 6, Lines 13-20; Col. 7, Lines 30-63; and important messages, Col. 8, Lines 4-11*);

A setting unit configured to set, based on importance settings, an accuracy of translation with which the source-language information is translated into corresponding language information represented in a second language (*automatic decision means for determining an appropriate translation quality, Col. 7, Line 30- Col. 8, Line 11*); and

A translation unit configured to translate the source-language information into the corresponding language information with the accuracy (*translations performed according to*

specific quality (i.e., accuracy) standards at a translator, Col. 4, Lines 43-61; and Col. 7, Lines 44-63).

Although Scanlan discloses performing a translation based on varying quality standards, Scanlan does not teach a means for judging a level of importance from input language information. Kimura, however, recites determining a degree-of-importance of a language input in utilizing higher accuracy requirements (*Abstract; and Col. 9, Lines 10-40*).

Scanlan and Kimura are analogous art because they are from a similar field of endeavor in language processing. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Scanlan with the degree of importance determining means taught by Kimura in order to increase reliability for more important inputs (*Kimura, Col. 1, Lines 49-51*).

Although Kimura determines a degree-of-importance of a spoken language input, as applied to, Kimura does not specifically suggest that the words are emergency words. Lemelson, however, discloses determining an urgent emergency condition based upon recognized emergency words or phrases (*Col. 6, Lines 58-64; and Col. 14, Lines 27-44*).

Scanlan, Kimura, and Lemelson are analogous art because they are from a similar field of endeavor in language processing. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Scanlan in view of Kimura with the emergency condition word/phrase recognizer taught by Lemelson in order to properly respond to an important input, wherein the important input is directed to an emergency situation (*Lemelson, Col. 6, Lines 58-64*).

With respect to **Claim 19**, Scanlan in view of Kimura discloses the translation system capable of selecting a translation quality setting according to a degree of importance, as applied to Claim 5. Scanlan in view of Kimura does not specifically suggest detecting an important input based upon living body information. Lemelson, however, discloses detecting an emergency situation based upon living body functions (*heart rate, blood level, sugar level, etc, Col. 13, Line 50- Col. 14, Line 7*).

Scanlan, Kimura, and Lemelson are analogous art because they are from a similar field of endeavor in language processing. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Scanlan in view of Kimura with the means for detecting an emergency situation based upon living body inputs taught by Lemelson in order to properly respond to an important input, wherein the important input is directed to an emergency situation (*Lemelson, Col. 6, Lines 58-64*).

With respect to **Claim 20**, Lemelson further recites:

A detection unit configured to detect a level of tension of a user based on the living body information, and a second determination unit configured to determine the level of importance based on the level of tension (*means for detecting and determining an emergency level in response to stress-indicating bodily input comparisons, such as a heart rate level function, Col. 13, Line 50- Col. 14, Line 7*).

With respect to **Claim 21**, Lemelson further recites:

The living body information includes at least one of a breathing speed, a breathing depth, a pulse speed, a blood pressure, a blood sugar level, a body temperature, a skin potential, and a perspiration amount (*heart rate, blood level, sugar level, etc., Col. 13, Lines 50-57*).

Claim 26 contains subject matter similar to Claim 1, and thus, is rejected for the same reasons.

11. **Claims 3-4 and 14-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Scanlan in view of Kimura et al in view of Lemelson et al and further in view of Letzt et al (*U.S. Patent: 5,612,869*).

With respect to **Claim 3**, Scanlan in view of Kimura discloses the translation system capable of selecting a translation quality setting according to a degree of importance directed to an emergency situation, as applied to Claim 1. Although Lemelson also teaches initiating an alarm if an emergency condition is met (*Col. 14, Lines 26-44*) and the ability for a user to respond to and disable such an alarm (*Col. 13, Line 50- Col. 14, Line 7*), Scanlan, Kimura, and Lemelson do not specifically suggest increasing an alarm if the user fails to respond. Letzt, however, discloses such an increasing means (*Col. 7, Lines 47-50*).

Scanlan, Kimura, Lemelson, and Letzt are analogous art because they are from a similar field of endeavor in language processing. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Scanlan in view of Kimura and further in view of Lemelson with the volume increasing means taught by Letzt so it can be ensured that an important message is understood by a user (*Letzt, Col. 7, Lines 47-55*).

With respect to **Claim 4**, Lemelson further discloses:

The providing unit is configured to provide, as the stimulation, at least one of light stimulation, sound stimulation, physical stimulation caused by a physical movement, and

electrical stimulation (*audible alarm, Col. 13, Line 50- Col. 14, Line 7; and Col. 15, Line 43- Col. 16, Line 9*).

Claims 14-15 contain subject matter respectively similar to Claims 3-4, and thus, are rejected for the same reasons.

12. **Claims 7 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Scanlan in view of Kimura et al in view of Ueda (*U.S. Patent: 6,493,663*).

With respect to **Claim 7**, Scanlan in view of Kimura discloses the translation system capable of selecting a translation quality setting according to a degree of importance, as applied to Claim 5. Although Kimura discloses determining important word commands, which would suggest some type of required importance scoring hierarchy, Scanlan in view of Kimura does not explicitly teach storing word importance scores and determining an importance level based on the stored scores. Ueda, however, recites a language processing technique that stores word importance scores (*Col. 6, Lines 9-28*) and determines a level of importance score based on a sum of such scores (*Col. 11, Lines 12-39*).

Scanlan, Kimura, and Ueda are analogous art because they are from a similar field of endeavor in language processing. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Scanlan in view of Kimura with the level of importance calculation means taught by Ueda in order to provide an effective means for picking up important language inputs (*Ueda, Col. 1, Lines 27-29*).

With respect to **Claim 10**, Ueda discloses the means for determining a level of importance based on a sum of word scores, as applied to Claim 7.

13. **Claims 11-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Scanlan in view of Kimura et al in view of Ushioda et al (*U.S. Patent: 6,602,300*).

With respect to **Claim 11**, Scanlan in view of Kimura discloses the translation system capable of selecting a translation quality based on detected important words, as applied to Claim 5. Although Kimura further discloses multiple speech recognition memories used for word matching (*Col. 10, Lines 30-45*), Scanlan in view of Kimura does not teach a comparison/link between similar keywords. Ushioda, however, discloses a means for associating a possible input keyword with multiple synonyms, each having a weighting score (*Col. 21, Lines 26-44*).

Scanlan, Kimura, and Ushioda are analogous art because they are from a similar field of endeavor in language processing. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Scanlan in view of Kimura with the synonym association means taught by Ushioda in order to expand the number of possible user inputs corresponding to a keyword (*Ushioda, Col. 1, Lines 30-35*).

With respect to **Claim 12**, Kimura recites determining a level of importance based on input keywords as applied to Claim 5, while Ushioda discloses the synonym weighting for weighting synonyms corresponding to keywords as applied to Claim 11.

With respect to **Claim 13**, Scanlan recites varying translation quality from low to high quality based on certain settings and Kimura discloses the concept of requiring more accurate processing at a certain level of importance as applied to Claim 5, while Ushioda discloses the ability to weight synonyms (*i.e., similarity scoring*) associated with a particular keywords, as applied to Claim 11.

14. **Claims 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Scanlan in view of Kimura et al and further in view of Petrushin (*U.S. Patent: 6,151,571*).

With respect to **Claim 16**, Scanlan in view of Kimura discloses the translation system capable of selecting a translation quality setting according to a degree of importance, as applied to Claim 5. Scanlan in view of Kimura does not specifically suggest detecting an important input based upon a vocal input rhythm, however Petrushin discloses a method for emotion recognition in speech using rhythm parameters (*Col. 12, Line 37- Col. 13, Line 22*) that assigns different priorities to various detected emotions (*Col. 9, Lines 48-59; and Col. 21, Lines 45-62*).

Scanlan, Kimura, and Petrushin are analogous art because they are from a similar field of endeavor in speech processing. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Scanlan in view of Kimura with the emotion detection means taught by Petrushin in order to increase communication monitoring capabilities (*Petrushin, Col. 9, Lines 49-59*).

With respect to **Claim 17**, Petrushin further discloses:

The first determination unit comprises a detection unit configured to detect a level of tension of a user, and a second determination unit which determines the level of importance based on the level of tension (*determining a response importance based on a level of detected vocal tension, Col. 15, Lines 1-63*).

With respect to **Claim 18**, Petrushin further discloses:

The rhythm analysis unit analyzes the rhythm, which includes at least one of an intonation, a pitch, power, a pause position, a pause length, an accent position, an utterance-

continued period, an utterance interval and an utterance speed (*speaking rate, pauses, etc., Col. 12, Line 37- Col. 13, Line 22*).

15. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Scanlan in view of Kimura et al and further in view of Lazzari (*"The VI Framework Program in Europe: Some Thoughts about Speech to Speech Translation Research," 2002*).

With respect to **Claim 24**, Scanlan in view of Kimura discloses the translation system capable of selecting a translation quality setting according to a degree of importance, as applied to Claim 5. Scanlan in view of Kimura does not specifically teach the ability to render a translation into voice, however the use of such speech synthesis processing is well known in translation systems as is evidenced by Lazzari (*Section 2.2, Page 131*).

Scanlan, Kimura, and Lazzari are analogous art because they are from a similar field of endeavor in speech processing. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Scanlan in view of Kimura with the speech synthesizer taught by Lazzari in order to facilitate multi-lingual human communication (*Lazzari, Section 2.2, Page 131*).

16. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Scanlan in view of Kimura et al and further in view of Okunishi (*U.S. Patent: 5,873,055*).

With respect to **Claim 25**, Scanlan in view of Kimura discloses the translation system capable of selecting a translation quality setting according to a degree of importance, as applied to Claim 5. Also, Scanlan further recites:

First storage that stores the source-language information (*mail server, Col. 4, Lines 43-50*);

A first reproduction unit configured to reproduce the source-language information (*translation server that reproduces a first language communication from the mail server, Col. 4, Lines 43-61*);

A second storage that stores the corresponding language information (*translation sever featuring machine translators that would inherently require some type of second language information/mapping to perform a translation, Col. 4, Lines 43-61; and Col. 7, Lines 44-63*); and

A second reproduction unit configured to reproduce the corresponding language information (*translation means at a server that reproduces the second language information to complete a translation, Col. 7, Lines 44-63*).

Scanlan in view of Kimura does not teach the operation start unit that starts translation processing based on a level of importance that exceeds a threshold, however Okunishi recites a method for determining if a translation is provided or performed based on particular levels of word importance (*Col. 5, Line 36- Col. 6, Line 3; and Col. 1, Lines 15-65*).

Scanlan, Kimura, and Okunishi are analogous art because they are from a similar field of endeavor in language processing. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Scanlan in view of Kimura with the translation determining means taught by Okunishi in order to more efficiently process the information that most requires a translation (*Okunishi, Col. 8, Lines 13-16*).

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached at (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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